

**4141. Misbranding of "Maple Balsam." U. S. v. Burks Medicine Co., a corporation. Plea of guilty. Fine, \$200 and costs. (F. & D. No. 6152. I. S. No. 8342-e.)**

On June 14, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Burks Medicine Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about April 30, 1913, from the State of Illinois into the State of Wisconsin, of a quantity of "Maple Balsam" which was misbranded. The article was labeled: (On carton) "Serial Number 1346 Guaranteed under the Food and Drugs Act, June 30, 1906. Maple Balsam Compound Fortuna Honestum Opus Coronat Trade Mark Alcohol 12 Per Cent. Morphine  $\frac{1}{4}$  Grain Per Ounce. Chloroform  $4\frac{1}{2}$  Minims Per Ounce. For the Relief of Coughs, Colds, Hoarseness, Croup, Whooping Cough, Bronchitis, Spitting of Blood, Difficult Breathing and Incipient Consumption. Prepared only By Burks' Medicine Co. Sole Proprietors Chicago Price 25 cts. None Genuine Without Burks Medicine Co. D. W. Cressler, Sect. Trade Mark Fortuna Honestum Opus Coronat Trade Mark Fortuna Honestum Opus Coronat. We would especially call the attention of those in need of a Cough Remedy to the fact that this preparation is not only economical—having a greater number of doses—but that its therapeutic value consists chiefly in its advantage in allaying a cough, without causing any depression and drying up, but loosening, and producing a feeling of relief. It allays the irritability of the nervous system, and especially controls that tickling sensation of the throat, caused by an elongated uvula, which is so harassing and depressive to the system. Another feature of our Maple Balsam is that, unlike the many Cough Preparations in the market, it does not constipate. It relieves the causes of a cough in all its various stages without interfering in the least with the bowels. This formula was secured by painstaking and diligent research, after many trials, to find a remedy to satisfy the increasing demand for something to cure a cough; and in our Maple Balsam we have secured a remedy for the various affections and ailments of the throat, air passages and lungs. Testimonials daily give evidence of its wonderful work, giving health and comfort to thousands who suffer from this dreaded complaint." (In German) "Maple Balsam heals all throat and lung affections such as coughs, colds, hoarseness, croup, whooping cough, bronchitis, spitting of blood, difficult breathing, tendency to consumption. Mitigation for consumption in advanced stages since it procures for such the very necessary rest." (On bottle) "Maple Balsam Compound" "Alcohol 12 Per Cent; Morphine  $\frac{1}{4}$  grain, per ounce; Chloroform  $4\frac{1}{2}$  Minims per ounce. For the Relief of all Chest, Throat and Lung Diseases, such as Coughs, Colds, Hoarseness, Croup, Whooping Cough, Bronchitis, Spitting of Blood, Difficulty of Breathing, Incipient Consumption, and for the relief of Consumptive Patients in the advanced stages of the disease, by giving them much needed rest. Price 25 Cts. Burks Medicine Co. Chicago. Directions For children from 1 to 3 years old, 5 to 10 drops; 3 to 6 years old, 10 to 20 drops; 6 to 14 years old, 20 to 30 drops. Adults, one teaspoonful every 2 to 4 hours. In severe cases, one teaspoonful may be taken every hour until relieved. To be taken without diluting. Keep bottle corked. Shake the bottle." (Directions in German) (Blown in bottle) "Burks Medicine Co. New York and Chicago." The circular or pamphlet accompanying the article contained, among other things, the following statements: "Maple Balsam, for relieving coughs, colds, hoarseness, croup, bronchitis, influenza, incipient consumption and for the relief of consumptive patients in the advanced

stages of disease. Without doubt the most wonderful preparation of its kind in the world today. In this advanced stage of the science of medicine it can almost be safely said that no case of coughs, colds or consumption, and kindred diseases cannot be cured. This preparation which has such a marked effect in soothing and strengthening the bronchial tubes, allaying all inflammation, giving tone and strength to the lungs, and for the relief of bronchitis and asthmatic patients has never known to be equal. It is guaranteed to cure the most hopeless cases of all those dreaded diseases above mentioned. A few doses will relieve the asthmatic sufferer so as to produce in him a feeling of encouragement which will prompt him to continue its use until he is permanently cured." "Although this remedy is of incalculable usefulness in curing the milder forms of the throat and lung diseases, its superior excellence is only seen where it is given for the more formidable and dangerous affections of the lungs." "It is the true remedy for colds, coughs and all lung troubles."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that the sample consisted essentially of a sirup containing 7.22 per cent alcohol, 59.05 per cent solids, 56.80 per cent sugars, 0.116 per cent ash, 0.36 per cent chloroform, and 2.13 per cent unidentified solids; no true balsam was present; morphine was present.

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit: (On carton) (in German) "Maple Balsam heals all throat and lung affections such as \* \* \* whooping cough \* \* \* spitting of blood \* \* \* tendency to consumption." (On bottle) "For the Relief of all \* \* \* Throat and Lung Diseases, such as \* \* \* Whooping Cough \* \* \* Spitting of Blood \* \* \* Incipient Consumption, and for the relief of Consumptive Patients in the advanced stages of the disease \* \* \*," were false and fraudulent in this, that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to the purchasers thereof, and create in the mind of purchasers thereof the impression and belief, that it was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, in healing all throat and lung affections, and effective in healing whooping cough and spitting of blood, and effective as a preventive for consumption, and effective as a relief for all throat and lung diseases, and effective as a relief for whooping cough and spitting of blood, and effective as a treatment for the relief of incipient consumption, and effective as a treatment for the relief of consumptive patients in the advanced stages of consumption; when, in truth, and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective, among other things, in healing all throat or lung affections, or effective in healing whooping cough or spitting of blood, or effective as a preventive for consumption, or effective as a relief for all throat or lung diseases, or effective as a relief for whooping cough or spitting of blood, or effective as a treatment for the relief of incipient consumption, or effective as a treatment for the relief of consumptive patients at any stage of consumption. Misbranding was alleged for the further reason that the following statements regarding the therapeutic or curative effects of the article, included in the circular or pamphlet aforesaid, to wit, "Maple Balsam, for relieving \* \* \* influenza, incipient consumption \* \* \* In this advanced stage of the science of medicine it can almost be safely said that no case of \* \* \* consumption, and kindred diseases cannot be cured. This preparation which has such a

marked effect in soothing and strengthening the bronchial tubes, \* \* \* is guaranteed to cure the most hopeless cases of all those dreaded diseases above mentioned. A few doses will relieve the asthmatic sufferer so as to produce in him a feeling of encouragement which will prompt him to continue its use until he is permanently cured." "Although this remedy is of incalculable usefulness in curing the milder forms of the throat and lung diseases, its superior excellence is only seen where it is given for the more formidable and dangerous affections of the lungs." "It is the true remedy for \* \* \* all lung troubles," were false and fraudulent in this, that, by means of the said circular or pamphlet, they were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, as a relief for influenza, and effective as a cure for asthma, and effective as a cure for consumption, and effective as a remedy for all lung troubles; when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a relief for influenza, or effective as a cure for asthma, or effective as a cure for consumption, or effective as a remedy for all lung trouble.

On June 30, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$200 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*